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April 3, 2009

VIA ECF

Honorable Ramon E. Reyes, Jr.
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Warren v. City of New York, et al.*
Case No. 08-CV-3815 (ARR) (RER)

Dear Judge Reyes:

As counsel for plaintiffs Michael and Evelyn Warren, I write to provide a status update.¹

The parties have exchanged initial disclosures and objections and responses to each other's first sets of interrogatories and requests for production of documents. Based on documents produced by defendants, plaintiffs will be amending the complaint by April 17, 2009 to add Officer Carozza as a defendant because he was physically involved in arresting plaintiff Evelyn Warren.

On March 24, 2009, plaintiffs wrote to defendants concerning some of the deficiencies in defendants' discovery responses and enclosing an executed protective order and stipulation to address defendants' objections that they would not produce the defendant officers' complaint, disciplinary or personnel records without one. Plaintiffs

¹The Court's March 19, 2009 order required the parties to provide a joint status letter. While I circulated a draft letter to defendants' counsel Susan Scharfstein and Bruno Gioffre, Jr. by email and left messages for each, I have not received any response. I understand that Ms. Scharfstein is on trial in another case, and I believe Mr. Gioffre may be as well.

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asked that defendants respond to their letter by April 1, 2009. Defendants have not yet responded, presumably because Ms. Scharfstein is on trial in another matter. Once the parties have met and conferred concerning plaintiffs' letter, we will seek a discovery conference to resolve any outstanding issues.

Regarding settlement, on March 17, 2009, defendants served Offers of Judgment pursuant to Fed.R.Civ.P. 68 that have now expired. On March 24, 2009, in response to defendants' request, plaintiffs communicated a demand that plaintiffs believe to be reasonable given the circumstances of their arrests and which is in line with a recent case involving very similar facts that settled in Kings County Supreme Court in late 2008. Defendants have not responded to plaintiffs' demand.

Respectfully yours,



Clare Norins

Cc. Susan Scharfstein (via ECF)
Bruno Gioffre (via ECF)